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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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JOHN MITCHELL RUTOSKEY, #10560-014 §

*versus*

UNITED STATES OF AMERICA

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CIVIL ACTION NO. 4:15CV205  
CRIMINAL ACTION NO. 4:12CR289(1)

**ORDER OF DISMISSAL**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Christine A. Nowak. The Report and Recommendation of the Magistrate Judge (#25), which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections having been timely filed, the Court concludes that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court.

It is accordingly **ORDERED** that Movant's Amended Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (#7) pursuant to 28 U.S.C. § 2255 is **DENIED** and this case is **DISMISSED** with prejudice.

A certificate of appealability is **DENIED**.

All motions by either party not previously ruled upon are **DENIED**.

SIGNED at Beaumont, Texas, this 27th day of February, 2018.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE